



U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

November 15, 2002

Adam Greenstone
General Counsel, Office of Administration,
New Executive Office Building
725 17th Street, N.W., Suite 5001
Washington, D.C. 20503

Re: The GAO's Letter Regarding Section 117 of Public Law 107-240

Dear Mr. Greenstone:

We have reviewed the letter of November 13, 2002, sent by Anthony H. Gamboa, General Counsel of the General Accounting Office, to Senator Byrd, regarding section 117 of Public Law 107-240. Nothing in the GAO's letter changes our longstanding view that Congress cannot require the executive branch to procure its printing through the Government Printing Office ("GPO"). See Memorandum for Adam F. Greenstone, General Counsel, Office of Administration, *Re: Constitutionality of Public Law 107-240, Which Purports To Require the Executive Branch To Procure Virtually All Printing Needs Through the Government Printing Office* (Oct. 22, 2002); *Involvement of the Government Printing Office in Executive Branch Printing and Duplicating*, 20 Op. O.L.C. 214, 221 (1996); *Government Printing Office Involvement in Executive Branch Printing*, 20 Op. O.L.C. 282 (1996).

The GAO contends that an officer or employee who "obligates funds to acquire printing from some source other than GPO would violate the Antideficiency Act," and be subject to "criminal penalties." Letter at 7. This is false because, as we have previously noted, such obligations would be authorized by law. Furthermore, as the GAO itself recognizes, the GAO's role in enforcing the Antideficiency Act is limited to referring perceived violations to the Department of Justice. See *id.* Again, any action taken by the Department of Justice would be consistent with the views expressed by the President in his signing statement and the position of this Office. Accordingly, nothing has altered our conclusion that executive branch officers who enter into contracts consistent with our October 22, 2002 opinion face no realistic risk of criminal or civil liability.

Please let us know if we may be of further assistance in this matter.

Sheldon Bradshaw
Deputy Assistant Attorney General